



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2365

Amendment in the Nature of a Substitute (Patron Prior to Substitute – Scott, E.T.)

LD#: 07-7805498

Date: 1/17/2007

Topic: Malicious removal of a dog collar

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined, likely to be small
- **Local Adult Correctional Facilities:**
Cannot be determined, likely to be small
- **Adult Community Corrections Programs:**
Cannot be determined, likely to be small

- **Juvenile Correctional Centers:**
None
- **Juvenile Detention Facilities:**
None

Summary of Proposed Legislation:

The proposal adds § 18.2-97.1 to make the malicious removal of an electronic, radio transmitting, or other collar from a dog a Class 1 misdemeanor. If the animal is lost or killed as a result of the collar removal, the crime becomes a Class 5 felony.

Analysis:

There is no specific information available in Virginia's criminal justice databases with regard to the malicious removal of dog collars.

Impact of Proposed Legislation:

State adult correctional facilities. Because it creates a new felony crime, the proposal could increase future state-responsible (prison) bed space needs. The felony, however, applies only if a dog is lost or killed after the theft of the dog's collar. While the number of offenders who may be affected is not known, the impact of the proposal is likely to be small.

Local adult correctional facilities. The proposal may have an impact on future local-responsible (jail) bed space needs; however, the impact of the proposal on jail beds is likely to be small.

Adult community corrections resources. Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, it may increase the need for adult community corrections resources. The potential impact on community corrections resources cannot be quantified, but is likely to be small.

Virginia's sentencing guidelines. As a new crime, felony convictions under § 18.2-97.1 would not be covered by the sentencing guidelines as the primary (or most serious) offense. However, convictions

under these provisions may augment the guidelines recommendation if a covered offense is the most serious at conviction. No adjustment to the guidelines is necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase juvenile correctional center (JCC) bed space needs. However, if a juvenile were committed to DJJ for the proposed Class 5 felony offense, the minimum confinement under the Department's Length of Stay (LOS) guidelines would be 6 to 12 months.

Juvenile detention facilities. The Department of Juvenile Justice (DJJ) reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

collar04_7805